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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 2052 /2003

PETITIONER : Ganesh Ram Chaturvedi
S/o Shri Mithailal Chaturvedi,
Aged about 65 years,
R/o Village-Jhanjh, P.S.-Pali,
Tahsil-Katghora, Distt. Korba (C.G.)

VERSUS

RESPONDENTS :

1. General Manager/Chairman,
National Thermal Power Corporation,
Sipat, Distt. Bilaspur (C.G.)

2. Additional General Manager,
National Thermal Power Corporation,
Sipat, Distt. Bilaspur (C.G.)

3. Chief Personal Manager,
National Thermal Power Corporation,
Korba, Distt. Korba (C.G.)

4. The Collector Korba (C.G.)

5. Sub-Divisional Officer (Revenue)
Tahsil-Katghora, Distt. Korba (C.G.)

P. R. No. 1912/03
Presented by Shri K. N. Nande
dated 11/02/03

शपथ आयुक्त
एच. के. अकला
बिलासपुर तहसील कोर्ट
06/2/03

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(60)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2052/ **सन्** **2003**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15-7-2005 Mr. K.N. Nande, Advocate for the petitioner. Mr. Prashant Mishra, Senior Advocate with Mr. B.D. Guru, Advocate for respondents No.1 to 3. Mr. Sandeep Dubey, Govt. Advocate for respondents No.4 & 5. By the instant writ petition the main grievance raised by the petitioner is that the petitioner's agricultural land bearing Khasra No.149/1, admeasuring 0.44 acres situated in Village: Jhanjh, Tehsil: Katghora, District: Korba, was acquired by respondent No.5 for construction of railway line for National Thermal Power Corporation. At the time of acquisition of the land a rehabilitation scheme was floated by respondents No.1 to 3 mentioning therein that employment to a family member of the person whose land has been acquired will be given. The land of the petitioner was acquired in the year 2001-02. Thereafter, the petitioner made a representation for employment of his son namely, Vishnu Prasad Chaturvedi, but neither the representation is being decided nor the appointment of the petitioner's son is being made. Therefore, it has been prayed that the respondents be directed to give employment to at least one member of the family of the petitioner. Return has been filed on behalf of respondents No.1 to 3 in which it has been mentioned that respondents No.1 to 3 have framed Rehabilitation Action Plan after constitution of Village Development Advisory Committee,	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP 2052/ **सन्** **2003**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and the District Administration as well as the NTPC. It has further been mentioned in the return that a Comprehensive Rehabilitation Action Plan was framed after series of discussions. Copy of the same is Annexure R-1. The respondents are duty bound to adhere the policy decision and there is no question of any discrimination or arbitrariness.

I have heard learned counsel for the parties.

Mr. Nande, learned counsel for the petitioner submitted that the respondent NTPC is not giving employment to the family member of the petitioner and even the representations made by the petitioner are not being considered and decided.

On the other hand, Mr. Prashant Mishra, learned Senior Advocate for respondents No.1 to 3 argued that no doubt under the Rehabilitation Action Plan, respondents No.1 to 3 are required to appoint one family member of the person whose land has been acquired subject to the availability of vacancy and also considering the eligibility of the person concerned.

I have perused the Rehabilitation Action Plan Annexure R-1. Clause 3 of the said Plan is regarding Employment, apart from other rehabilitation plans, and it has been mentioned therein that "direct employment in NTPC in the unskilled category only PAPs would be considered. In the skilled category preference would be given to them. In both categories employment shall be subject to the availability of vacancies. NTPC's

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 2052/ **सन्** **2003**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

recruitment policy and Govt.'s policy on reservation". Clauses 3.1.1 & 3.1.2 deal with Eligibility for Employment.

Therefore, the respondents have not completely denied the prayer made by the petitioner, but their reply is that they will consider the request of the petitioner subject to Clauses 3 & 3.1 of the Rehabilitation Action Plan i.e. subject to availability of vacancies and eligibility of the family member of the petitioner for employment.

In the circumstances, the petitioner is required to make an application for appointment of one of his family members along with his qualification and everything to respondent No.1, and respondent No.1 shall consider the application submitted by the petitioner, in accordance with the Rehabilitation Action Plan, and try to give employment to the family member of the petitioner as per the promise given to the land owner whose land was acquired.

With the above observations and directions, the writ petition stands disposed of.

Consequently, M.(W.)P.No.2024/2005, I.A.Nos.6207/2003 and 4934/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

SONIA

(पीछे देखिये)